

Application No.: 10/635,864  
Response dated June 5, 2006  
Reply to Office Action of: April 25, 2006  
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### REMARKS

Reconsideration of the present claims, in light of the Remarks which follow, is respectfully requested.

Claims now before the Examiner are 1-19.

Support for the claim amendments (claims 1 and 5) and for the new claims (14-19) may be found paragraph [0134], page 30. Applicants note that at each occurrence of the level of metal the recitation is *of a certain level*, "or less". Applicants have chosen a number of pairs of these levels for claim elements.

The numbering in this Response will follow that of the Examiner's action.

1. No response necessary.

#### **Double Patenting**

- 2.-3. *Claims 1-13 stand provisionally rejected over USSN 10/772,823.*

Upon indication of allowable subject matter in the present case, a Terminal Disclaimer will be filed.

#### **Rejections under 35 USC § 102 and/or 35 USC § 103**

- 4.-6. *Claims 1-13 stand rejected under 35 USC § 102(b) as Anticipated or under 35 USC § 103(a) as Obvious over US 5,639,834 (Debras).*

As amended, claim 1 contains the element "...a residual zirconium or hafnium metal content". There is no disclosure in Debras to a metal content as now claimed.

Additionally, there is no disclosure in Debras to the zirconium or hafnium content reflected in claims 5 and 14-19.

Furthermore, the Examiner's holding regarding the patentability of product-by-process claims can also be read as in MPEP § 2113 "... where the manufacturing process steps would be expected to impart distinctive structural characteristics to the final product." Applicants respectfully submit that the differences of residual metal and/or the effect of a combination of a metallocene catalyst and a Group 15 containing compound would give rise to the aforementioned "distinctive structural characteristics".

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Accordingly, withdrawal of the Rejections is respectfully requested.

7. No response necessary.

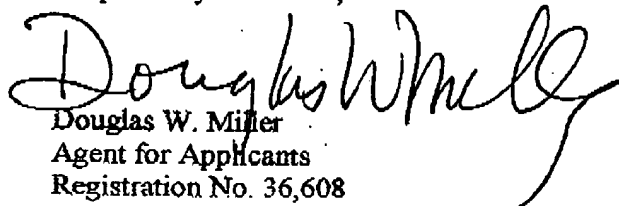
The claims are in condition for allowance.

Note is made that the correspondence should be sent to:

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Respectfully submitted,

  
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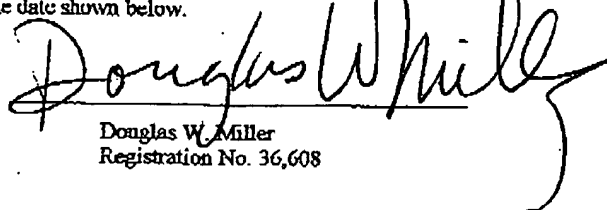
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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

June 5, 2006

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